

1 WILLIAM A. ISAACSON (*Pro Hac Vice*)
(wisaacson@bsfllp.com)
2 BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Ave, NW, Washington, DC 20015
3 Telephone: (202) 237-2727; Fax: (202) 237-6131

4 JOHN F. COVE, JR (*Pro Hac Vice*)
(jcove@bsfllp.com)
5 BOIES, SCHILLER & FLEXNER LLP
1999 Harrison Street, Suite 900, Oakland, CA 94612
6 Telephone: (510) 874-1000; Fax: (510) 874-1460

7 RICHARD J. POCKER #3568
(rpocker@bsfllp.com)
8 BOIES, SCHILLER & FLEXNER LLP
300 South Fourth Street, Suite 800, Las Vegas, NV 89101
9 Telephone: (702) 382-7300; Fax: (702) 382-2755

10 DONALD J. CAMPBELL #1216
(djc@campbellandwilliams.com)
11 J. COLBY WILLIAMS #5549
(jcw@campbellandwilliams.com)
12 CAMPBELL & WILLIAMS
700 South 7th Street, Las Vegas, NV 89101
13 Telephone: (702) 382-5222; Fax: (702) 382-0540

14 *Attorneys for Defendant Zuffa, LLC, d/b/a*
15 *Ultimate Fighting Championship and UFC*

16 *Additional counsel on signature page*

17
18
19 UNITED STATES DISTRICT COURT

20 DISTRICT OF NEVADA

21 Cung Le, Nathan Quarry, Jon Fitch, Brandon
22 Vera, Luis Javier Vazquez, and Kyle
Kingsbury on behalf of themselves and all
23 others similarly situated,

24 Plaintiffs,

25 v.

26 Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

27 Defendant.
28

Case No.: 2:15-cv-01045-RFB-(PAL)

**ZUFFA'S UPDATE TO JOINT STATUS
REPORT (ECF NO. 244)**

In the Joint Status Report, Zuffa reported that it had recently discovered an Early Case Assessment archive (“ECA”) that Zuffa’s former e-discovery vendor responsible for the 2011 productions to the FTC had maintained, and indicated that it would provide additional information about these documents when it became available. ECF No. 244. This submission provides this information.

The ECA contains a total of approximately 1.8 million documents, including approximately 97,000 of the documents that were ultimately produced to the FTC and which have been re-produced to Plaintiffs. Accounting for those documents in the ECA that have already been re-produced to Plaintiffs, there are 1,711,927 documents remaining in the archive that are either undated or fall within the relevant time period. The chart below shows the breakdown of documents from the relevant time period by for each custodian or employee in the ECA database. Among the 22 Zuffa custodians in this case, the ECA contains a total of 807,836 documents.

Documents from the 22 Ordered Custodians

| Custodian | Documents | Date Range |
|--------------------------|------------------|--|
| Michael Mersch | 171,456 | 2006-2012 (Note: Mr. Mersch was Asst. General Counsel from 2006-2012.) |
| Kirk Hendrick | 114,118 | 2005-2011 (Note: Mr. Hendrick was General Counsel from 2005-2007.) |
| Tracy Long (Tracy Hyman) | 103,135 | 2005-2011 (Note: Ms. Long was a paralegal in Zuffa’s legal department throughout this period.) |
| Lorenzo Fertitta | 78,657 | 2005-2012 |
| Craig Borsari | 71,265 | 2005-2011 |
| John Mulkey | 56,494 | 2005-2012 |
| Peter Dropick | 50,143 | 2005-2012 |
| Bryan Johnston | 45,432 | 2005-2011 |
| Joe Silva | 32,946 | 2005, 2007-2011 |
| Lawrence Epstein | 30,073 | 2007-2012 (Note: Mr. Epstein was General Counsel from 2007-2012.) |
| Michael Mossholder | 24,755 | 2007-2011 |
| Dana White | 12,118 | 2005-2011 |
| Reed Harris | 9,150 | 2005-2011 |
| Sean Shelby | 8,094 | 2005-2011 |
| TOTAL: 807,836 | | |

Documents from Other Zuffa or Strikeforce Employees
(Strikeforce employees are noted in parentheses;
the remaining individuals were Zuffa employees)

| Custodian | Documents | Date Range |
|----------------------------------|------------------|-------------------|
| Andrew Ebel (Strikeforce) | 252,082 | 2005-2011 |
| Mike Aframowitz (Strikeforce) | 117,971 | 2006, 2008-2011 |
| Edward Muncey | 91,277 | 2005-2011 |
| Doug Hartling | 81,153 | 2005-2011 |
| Jennifer Cooke (Strikeforce) | 77,385 | 2005-2011 |
| Chad Hurley | 72,631 | 2005-2011 |
| Richard Chou (Strikeforce) | 46,350 | 2009-2011 |
| Tim Bellamy | 31,417 | 2008-2011 |
| Beth Turnbull | 27,103 | 2005-2011 |
| Shannon Knapp (Strikeforce) | 26,859 | 2009-2011 |
| Scott Coker (Strikeforce) | 20,860 | 2006-2011 |
| Don Gold | 20,644 | 2007-2011 |
| Elizabeth Loucheur | 17,351 | 2006-2011 |
| Carie A'Ana (Strikeforce) | 16,150 | 2009-2011 |
| Strikeforce | 2,582 | 2005-2011 |
| Bob Cook (Strikeforce) | 1,213 | 2009-2011 |
| Kenn Ellner (Strikeforce) | 353 | 2011 |
| Graphics Collateral | 253 | 2011 |
| Reid Sterrett | 210 | 2006, 2009-2011 |
| Tara Connell | 142 | 2010-2011 |
| Strikeforce Management | 56 | 2008-2011 |
| Strikeforce Shared | 31 | [Undated] |
| Brandon Clark | 18 | 2009-2011 |
| TOTAL: 904,091 | | |

Also attached to this update is a declaration from Zuffa's e-discovery consultant, Ms. Moure, that responds to certain points made in Mr. Kellner's declaration. Because Zuffa did not receive Mr. Kellner's draft declaration until the evening before the Joint Status Report was due,

1 Ms. Moure did not have an opportunity to draft a response for submission with the Joint Status
2 Report.

3 Dated: May 13, 2016

BOIES, SCHILLER & FLEXNER LLP

6 By: /s/ John F. Cove, Jr.

John F. Cove, Jr.

7 Attorneys for Defendant Zuffa, LLC, d/b/a
8 Ultimate Fighting Championship and UFC

9 John F. Cove, Jr. (*Pro Hac Vice*)
BOIES, SCHILLER & FLEXNER LLP
10 1999 Harrison Street, Suite 900
Oakland, CA 94612
11 Tel: (510) 874-1000
12 Fax: (510) 874-1460
Email: jcove@bsflp.com

13 William A. Isaacson (*Pro Hac Vice*)
14 BOIES, SCHILLER & FLEXNER LLP
15 5301 Wisconsin Ave, NW
Washington, DC 20015
16 Tel: (202) 237-2727
Fax: (202) 237-6131
17 Email: wisaacson@bsflp.com

18 Donald J. Campbell #1216
19 J. Colby Williams #5549
CAMPBELL & WILLIAMS
20 700 South 7th Street
Las Vegas, Nevada 89101
21 Tel: (702) 382-5222
Fax: (702) 382-0540
22 Email: djc@campbellandwilliams.com
23 jcw@campbellandwilliams.com

24 Richard J. Pocker #3568
25 BOIES, SCHILLER & FLEXNER LLP
300 South Fourth Street, Suite 800
26 Las Vegas, NV 89101
Tel: (702) 382 7300
27 Fax: (702) 382 2755
28 Email: rpocker@bsflp.com

*Attorneys for Defendant Zuffa, LLC, d/b/a Ultimate
Fighting Championship and UFC*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that service of the foregoing **Zuffa's Update to Joint Status Report** was served on May 13, 2016 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Michael Kim

An Employee of Boies, Schiller & Flexner